

**Part 4 A & B - Preconstruction Meetings/Discussions
(Construction Manual 1-2.1C)*****Preconstruction Conference***

As soon as practicable after your contract is executed, you need to schedule a preconstruction conference. Though less formal meetings are allowed on very small projects, we recommend that a formal preconstruction meeting be held to discuss the project. On more complex projects, you might hold a precon and also schedule separate meetings for utility coordination and/or specialized work like bridge construction or paving. Remember to invite the Region Local Programs Engineer to all preconstruction meetings.

A sample of a preconstruction meeting agenda can be found in the LAG Manual in Appendix 52.101.

All information exchanged must be documented in the project records by formal meeting minutes, by file copies of letters, by tape recordings or by diaries. A sample of Preconstruction Meeting minutes can be found in the LAG Manual in Appendix 52.102.

As a minimum, the following subject areas need to be covered during the preconstruction period:

- A. Contractor- Agency relationships.
- B. Identify agency personnel and consultants and their roles.
- C. Environmental issues and concerns
- D. Commitments
- E. Order of work and schedules
- F. Subcontractors and lower tier subcontractors
- G. Utilities
- H. Safety and traffic control
- I. Control of materials – including “Buy America”
- J. Other submittals
- K. EEO and training — Name of Contractor’s EEO Officer
- L. Wage Rate Administration
- M. Forms* and Posters**

*Prior to the start of work, the Local Agency should review the project documents and the directions of the LAG Manual and the Construction Manual and determine what forms will be required. Forms are available on-line at:

<http://www.wsdot.wa.gov/forms/>

Forms on the H&LP website have a runtime that will allow download and use on any computer

The *Construction Manual*, Chapter 11, has examples of the current forms and who is responsible for completion, the Agency or the Contractor.

**Jobsite posters are available on-line at:

<http://www.wsdot.wa.gov/biz/construction/MoreAdmin.cfm>

Part 4C - Commitment File (LAG 24.35)

Any promises made during any stage of the project should be documented in a Commitment File. During the design phase, a project commitment file is started. Establishing this file generally coincides with preparation of the environmental document.

The file consists of:

- proposed mitigating measures,
- commitments made to permit or other agencies
- any other commitments made during the project

The file normally consists of design and environmental commitments. Other commitments may be added at the local agency's discretion, such as right-of-way, access, maintenance, permits, and agreements. Commitments are normally included or identified in the following documents or actions:

- a. Environmental documents.
- b. Design reports.
- c. Right-of-way plans.
- d. Access plans.
- e. Findings and order.
- f. Contract plans.
- g. Preconstruction conference.
- h. Change orders.
- i. End of project report.

j. Maintenance.

Continue to maintain the commitment file as a project progresses through its development and construction stages. Whenever commitments are made, they are incorporated into project documents and transferred from one phase of the project to the next. The benefit is that all parts of your team – agency design, construction and maintenance personnel, consultants and the contractor can easily be made aware of every commitment.

The inspector or project manager needs to ensure that the commitment file is carried into the construction phase of the project. Your duties are to:

1. Obtain a copy of the commitment file before the preconstruction conference.
2. Communicate to the Contractor those commitments that may or may not be a part of the contract. Remind the contractor of any special provisions that require you be notified about disposal sites, landowner agreements and so on.
3. Discuss at the weekly meetings and document the fulfillment of each commitment in your IDR.
4. State law requires that you continue to check for changes to endangered species every 6 months throughout the life of your project. Document that you checked by going to the two websites shown in the website list in the appendix under Endangered Species Updates, printing out the new list, checking for changes, dating and adding to the file.
5. Cross-reference the commitment file to your diaries for ease of review by regulating agencies, H&LP, FHWA and others.
6. Document fulfillment of the commitments in the projects permanent records.
7. If there are commitments that will not be completed by the end of the project, like landscape maintenance, wetland mitigation or maintenance, be sure that the appropriate people know and document that you told them.

Contractor Submittals

At the preconstruction conference or before, the contractor is given a brief description of the required forms and an initial supply of the most current forms. If the appropriate forms can be provided to the contractor prior to the preconstruction, the overall submittal process can be streamlined.

The precon is a great opportunity to remind the contractor that certain documents, if not submitted, will delay initial progress payments:

- Statement of Intent to Pay Prevailing Wages

- Training Program
- Progress Schedule (Schedule covering the first 60 working days is due no later than 5 days after contract execution) Standard Specification 1-08.3

The precon is also a good time to remind contractors of other documents that may potentially delay the work or delay payment.

DELAY THE WORK:

Subcontractor submittals

Materials submittals – RAMS, QPL, Certs, Materials Origin

Shop drawing submittals

Schedule and revised schedule submittals

Unsafe working conditions

Others as described in your special provisions

DELAY PARTIAL PAYMENT:

You must be very sure you have a specific contractual basis for delaying ANY payment. This will be discussed further under progress payments.

Subcontractors

With rare exceptions, every person working on the project is either working for the prime contractor or a subcontractor. The only exceptions are deliveries and services.

Delivery: A vehicle making a delivery does not perform any on site work. They are just dropping a load.

Service: All service providers are listed in Section 1-08.1 of the Standard Specifications as exemptions to subcontractors. If no exemption is listed but the work is less than \$500 and is not work normally performed on contracts, contact your Region Local Programs to see if they can be accepted as a service.

Subcontractor Submittals

You should have all three subcontractor papers for each sub when they come onto the jobsite:

- Request to Sublet (421-012)

- Federal Aid Certification for Subcontractors and Lower Tier Subs (420-004)
- Statement of Intent to Pay Prevailing Wage (approved)

Request to Sublet Work (Construction Manual 1-2.4G)

The Prime Contractor may sublet up to 70 percent of the original bid amount. Each subcontractor may use agents (lower tier subcontractors) for up to 25 percent of their total amount contracted. The Engineer must approve all subcontractors and agents before the work begins (*Standard Specification* 1-08.1).

When a Request to Sublet Work is turned in:

- Check the Federal ID number for each contractor. Check the dollar amount against the proposal amount.
- Check against the debarred contractor list
- Check to see if any sub is a DBE, even when you don't have a goal
- For Condition of Award DBE subcontractors, the dollar amount must be equal to or exceed the amount shown on the letter submitted to you at award. Check that the COA items are awarded to the proper DBE subcontractor. Any changes to COA subcontractors must be documented in a change order BEFORE the sub can be approved.
- Number the requests and record the running total for percent subcontracted. Total for project must be less than 70%.
- Your agency signs and dates to indicate approval.

Statement of Intent to Pay Prevailing Wages

The Specification requires that no progress payment be released to the Contractor for that portion of work performed by subcontractors prior to the Engineer's receipt of an L&I approved Statement of Intent. (*Standard Specification* 1-07.9(5)). However, if your inspector let the subcontractor work before the paperwork was done, you may have an obligation to pay them anyway under Washington's prompt pay law.

Contractor and Subcontractor or Lower-Tier Subcontractor Certification for Federal-Aid Projects (Form 420-004)

This must be completed by the contractor and the subcontractor and submitted with the Request to Sublet. It basically says there is a written contract between the prime and sub and that the sub is aware this is a Federal Aid project.

Contract Progress Schedule (Standard Specification 1-08.3)

SPCC PLAN (Spill Prevention, Control and Countermeasures Plan)

(Standard Specification 1-07.15(1))

Before any work begins, the Contractor must submit a project-specific SPCC Plan for approval. This plan details how the contractor will respond in the event of a chemical spill (diesel, hydraulic fluid, curing compound, etc.) Prior to the plan approval, the Contractor may do no work on-site unless the Engineer approves the work in writing.

Approving the SPCC Plan

Review and approve in writing after you have confirmed the following are included:

1. The plan is project-specific.
2. All potential hazards you can think of have been identified.
3. The contractor's plan appears to be reasonable.

Administering the SPCC Plan

Confirm that the materials specified in the plan (diapers, foam, first aid) are brought on site. These materials are frequently stored in each machine. As equipment is removed and new equipment brought on site, check to be sure your SPCC materials are still available.

Temporary Water Pollution/Erosion Control Plan**(Standard Specification 1-07.15 and 8-01.3(1)a)**

Before any work begins, the Contractor must submit a project-specific plan for temporary water pollution/erosion control for approval. Prior to the plan approval, the Contractor may do no clearing and grubbing or earthwork, unless the Engineer approves the work in writing.

Approving the Water Pollution/Erosion Control Plan

Review and approve in writing after you have confirmed the following are included:

1. The schedule for all erosion-control work, whether permanent (as required by the contract) or temporary (as proposed by the Contractor).
2. All areas the Contractor's work may affect inside and outside the limits of the project (including all Contracting Agency-provided sources, disposal sites, and haul roads, and all nearby land, streams, and other bodies of water).

Administering the Water Pollution/Erosion Control Plan

1. Confirm that the materials are on site, readily available and/or installed, as proposed.
2. Ask for revised plans as needed. It is important that the erosion control measures on the jobsite match those in the approved plan exactly. As seasons and conditions change, be sure both the plan and the on-site measures are updated. Making this discussion a part of your weekly meeting may help to keep both current.

